

IN THE DRAWINGS:

Submitted herewith are two replacement sheets for Figs. 1a and 1b and Fig. 2.

REMARKS

Applicant has amended the claims by canceling claims 1-4 without prejudice and adding new claims 5-8, amended the specification and the drawings. Applicant respectfully submits that these amendments to the claims, specification and drawings are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the specification, drawings and claims as amended.

Firstly, Applicant would like to point out that the amendments to the drawings and the specification are merely for the purposes of clarifying the description of Applicant's invention.

The Examiner has rejected claims 1-2 and 4 under 35 USC 102 as being anticipated by Wolens, stating that Wolens discloses all of the elements of the Applicant's claims.

In reply thereto, Applicant would like to point out that Applicant's invention is characterized by the combination of a heat conducting fin housed in a hopper body to form plural material storage spaces and a carrier gas heated in the heat conducting fin passes through the material storage spaces. In addition, in Applicant's invention the carrier gas is introduced from outside the hopper body and enters from the carrier gas introduction port into the penetrating path of the heat conducting fin housed in the hopper body, is heated with an electric heater therein, goes out of the lower outlet at the bottom of the penetrating path into the hopper body, passes through the material storage space and is exhausted out of the gas exhaust port provided at the upper part of the hopper body. Thus, the powdered or granular material stored in the material storage space is heated with the heat conducting fin and the carrier gas in Applicant's invention. Because the carrier gas is also heated in the heat conducting fin, it is not required to be externally heated and thereby achieve the effect of energy saving. Furthermore, Applicant respectfully submits that when comparing Applicant's invention with the system in which a heated carrier gas is externally introduced, Applicant's invention provides simpler construction without having the trouble or problems of compensating for the temperature under operation.

With the above in mind, Applicant has carefully reviewed Wolens and respectfully submits that Wolens discloses a popcorn popper in which air is introduced from a blower assembly to generate a hot air stream while passing through a heating element. The hot air stream enters the kernels of the popcorn in the popping vessel provided thereunder and the completely popped corn in the popping vessel is designed to be transferred to a receptacle. In contrast thereto, in Applicant's invention, the hopper houses a heat conducting fin and has a

carrier gas introduction port and an exhaust port at its upper part, a material storage space is formed around the heat conducting fin in the hopper body when the heat conducting fin is housed in the hopper body, a heat conducting fin has a penetrating path provided with an electric heater at its center, an upper inlet and a lower outlet and plural compartment walls radially projected therefrom. In addition, in Applicant's invention the upper inlet and the lower outlet of the heat conducting fin are connected with a penetrating path, thereby constituting a carrier gas communication path and the externally supplied carrier gas is introduced into the penetrating path through the carrier gas introduction port and heated therein and then exhausted out of the hopper body through the exhaust port.

With the construction of Applicant's invention, the powdered or granular material is stored in a material storage space sectioned with plural compartment walls, so that the material is heated and dried with the heated carrier gas which is discharged from the lower outlet of the heat conducting fin and passes upwardly between the compartment walls and is also heated and dried with plural compartment walls heated by the electric heater. Accordingly, the powdered or granular material stored in the material storage space sectioned with plural compartment walls of Applicant's invention can be uniformly dried.

In contrast to the above, Wolens proposes a popcorn popper and does not disclose a material storage space which is characteristic of Applicant's invention. Furthermore, Wolens does not disclose uniformly heating the stored material with a heated air and only teaches that the kernels of popcorn in the popping vessel is heated with a hot air stream to transfer the heated and popped corn out of the popping vessel by the hot air stream.

In view of the above, therefore, Applicant respectfully submits that Wolens does not disclose each and every element of Applicant's invention and claims 5-8 are not anticipated by Wolens.

The Examiner has rejected claim 3 under 35 USC 103 as being obvious over Wolens in view of Thompson et al., stating that Wolens discloses all of the present invention except for the flexible hose; Thompson et al. discloses a drying apparatus and discloses a flexible hose at col. 5, lines 49-68; and it would have been obvious to combine the teachings of Wolens and Thompson et al. to provide a flexible hose.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant's invention and Wolens. In addition, Applicant has carefully reviewed

Thompson et al. and respectfully submits that while Thompson et al. may disclose a flexible hose, the hose of Thompson et al. is for the purpose of allowing part to which it is connected to be telescoped up and down and one into the other and is not part of the material transport pipe. Instead, the flexible pipe 23a is for moisture control and allows steam to be emitted to the chamber 10. Accordingly, Applicant respectfully submits that one of ordinary skill in the art would not look to Thompson et al. to make the combination suggested by the Examiner and one of ordinary skill in the art would not be motivated to make the combination suggested by the Examiner. Therefore, Applicant respectfully submits that not only is the combination suggested by the Examiner not suggested by the art but one of ordinary skill in the art would not make the combination suggested by the Examiner. Therefore, Applicant respectfully submits that claim 7 is not obvious over Wolen in view of Thompson et al.

The Examiner has provisionally rejected claims 1-4 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-12 of copending application No. 10/539,887. In reply thereto, Applicant respectfully submits that copending application No. 10/539,887 was filed in the U.S. after the filing date and the priority date of the present application. Accordingly, Applicant respectfully submits that it is not properly citable prior art and Applicant's claims 5-8 should not be provisionally rejected on the grounds of non-statutory obviousness-type double patenting over claims 1-12 of copending application No. 10/539,887.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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